Circuit Court for Anne Arundel County
Case No. C-02-FM-15-001804

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 0031

September Term, 2017

CHARLES MARIS

v.

LARA McCORMICK

Berger,
Friedman,
Thieme, Raymond G., Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Friedman, J.

Filed: May 29, 2018

In child custody disputes, "the paramount concern is the best interest of the child." *Taylor v. Taylor*, 306 Md. 290, 303 (1986). To determine a child custody arrangement that serves the best interests of the child, the trial court must make crucial factual findings, informed by its unique ability to observe the witnesses and determine who is sincere, and who lacks credibility. Circuit courts are vested with broad discretion to resolve child custody disputes, which often depend heavily on whose version of the facts the trial court believes. Despite the highly deferential abuse of discretion standard that we apply to this appeal, Father and appellant, Charles Maris, challenges the award by the Circuit Court for Anne Arundel County of sole legal and primary physical custody and child support to Mother and appellee, Lara McCormick. We conclude that the circuit court did not abuse its discretion, and therefore affirm.

BACKGROUND

The parties met while both were employed at the University of West Georgia. A few months later, Mother moved to Texas to begin a temporary post-doctoral fellowship, at which time she learned she was pregnant. The parties discussed relocating to a new city where they could live together and raise the baby, and decided to move to Annapolis where Father had received a job offer. Mother gave birth shortly after the parties arrived in Annapolis.

After the child's birth, the parties continued to live together for approximately five months. During this period, however, their relationship soured and Mother left Maryland with the Child to stay with a friend in Ohio. At Father's request, Mother agreed to visit Maryland to attend couple's counseling, but after the first session, in which Mother accused

Father of child abuse, the parties made no further efforts to reconcile.[1] They did, however attempt to maintain regular communication regarding the Child over text messaging, Skype, and e-mail. Mother did not move back to Maryland, and presently resides in Omaha, Nebraska. Father continues to reside in Annapolis.

Father initiated custody proceedings in the Circuit Court for Anne Arundel County shortly after Mother left Maryland with the Child. Mother counterclaimed, and the parties proceeded to an 8-day trial. The circuit court issued an oral ruling at the conclusion of the trial, in which it awarded sole legal custody to Mother after finding, "these parents are not able to communicate at all … I do not think these parents can reach shared decisions." On physical custody, the circuit court determined that both parties were fit parents. It explained, however, that "the most important consideration in th[e] case" was that the child was only two years old and had lived almost exclusively with Mother. As a result, the circuit court granted primary physical custody to Mother, with shared physical custody to Father.

To facilitate the shared physical custody award, the circuit court designed a child access schedule that provided that during the school year, Father would have visitation with the child every other weekend, alternating between Mother's home in Omaha and Father's home in Annapolis. In the summer, the Child would spend two weeks with Father in Annapolis followed by two weeks with Mother in Omaha. The circuit court also ordered

[1] As a result of Mother's allegations, Child Protective Services opened an investigation into Father's treatment of the Child at the close of which it ruled out the possibility that abuse had occurred.

Father to cover the cost of Mother and Child's travel from Omaha to Annapolis for Father's allotted visitation, including hotel stays for Mother during the weekend visits. Finally, the circuit court calculated Father's child support obligation to Mother as $2,078 per month. To account for Father's payment of transportation expenses, however, the court reduced Father's total child support obligation by $800, ordering Father to pay $1,278 per month, instead. Father noted this timely appeal.

DISCUSSION

Father argues that the circuit court abused its discretion by: (1) relying on several erroneous evidentiary rulings to find Mother more credible than Father and, as a result, awarding sole legal and primary physical custody to Mother; (2) designing an access schedule based on the school year when the Child was not yet enrolled in school; and (3) calculating and adjusting Father's child support obligations to account for transportation expenses. We discuss each challenge in turn.

I. CHILD CUSTODY

Father argues that the circuit court abused its discretion in awarding sole legal and primary physical custody to Mother. The foundation of Father's argument is that, because the circuit court improperly ruled on certain evidence relevant to Father's credibility, the circuit court lacked a proper basis for its determination that Mother was more credible and therefore deserved primary custody. Thus, to determine whether the circuit court abused its discretion in awarding custody, we must first address Father's challenges to the circuit court's evidentiary rulings.

A. Evidentiary Rulings

The decision of whether to admit or exclude evidence is "left to the sound discretion of the trial court." *MEMC Elec. Materials, Inc. v. BP Solar Intl., Inc.*, 196 Md. App. 318, 342 (2010) (quoting *Lomax v. Comptroller of the Treasury*, 88 Md. App. 50, 54 (1991)). We will not disturb the circuit court's evidentiary rulings absent an abuse of that discretion. *Ruffin Hotel Corp. of Md., Inc. v. Gasper*, 418 Md. 594, 619 (2011). Moreover, we will not consider an erroneous evidentiary ruling to be reversible error unless the error resulted in prejudice to the party by "likely affect[ing] the verdict below." *Brown v. Daniel Realty Co.*, 409 Md. 565, 584 (2009) (quoting *Crane v. Dunn*, 382 Md. 83, 91-92 (2004)). Thus, in our review of Father's challenges to the circuit court's rulings, we are concerned primarily with "not the possibility, but the probability, of prejudice." *Crane*, 382 Md. at 91 (cleaned up).[2]

1. *Mother's testimony regarding care of babies*

During Mother's testimony, she indicated that she had researched childrearing techniques, which contributed to her belief that Father improperly cared for the Child and would cause her harm. Father contends that this testimony constituted inadmissible hearsay, because in his view, Mother effectively offered the expert opinions of unnamed medical professionals to *prove* that Father harmed the Child. While Father correctly

[2] "Cleaned up" is a new parenthetical intended to simplify quotations from legal sources. *See* Jack Metzler, *Cleaning Up Quotations*, J. APP. PRAC. & PROCESS (forthcoming 2018), https://perma.cc/JZR7-P85A. Use of (cleaned up) signals that to improve readability but without altering the substance of the quotation, the current author has removed extraneous, non-substantive clutter such as brackets, quotation marks, ellipses, footnote signals, internal citations or made un-bracketed changes to capitalization.

recognizes that evidence should be deemed inadmissible hearsay if it "is a statement, other than one made by the declarant … offered in evidence to prove the truth of the matter asserted," Md. Rule 5-801(c), the challenged testimony was not offered to prove the truth of the matter that certain practices are good or bad for children. Rather, the testimony was offered to show the differences in opinion between the parties as to raising a child and to present Mother's subjective *belief* that she was better suited to care for the Child. The testimony, therefore, was not hearsay, and the circuit court did not err in allowing it. Moreover, because the circuit court concluded that both parties were fit parents, we have no basis for thinking that the challenged testimony influenced the court's custody determination.

2. *Mother's testimony regarding Father's anger and cruelty*

Father next challenges several portions of Mother's testimony that, he alleges, painted an unjustified picture of him as hot-tempered and cruel. Mother testified that Father had two sides to his personality: the calm and trustworthy "company face" that he showed in public, and an angry, erratic side that he revealed in private. She further testified that Father demeaned her by calling her names, and that she feared his anger. Though Father contends that Mother "concocted" stories to "justify her false belief" that Father had anger problems and points to various times in the record when he objected to Mother's testimony, Father fails to cite any rule of evidence or applicable case law and provides no legal analysis to support his argument that the circuit court erred in overruling Father's various objections. *See* Md. Rule 8-504(a)(6) (a party's brief to this Court "*shall … include* … [a]rgument in support of the party's position on each issue") (emphasis added). In fact,

Mother's testimony about Father's temperament, it seems to us, is generally admissible and certainly relevant in a dispute over child custody.

Moreover, despite hearing the challenged testimony, the circuit court nevertheless found that Father sincerely wanted to have a relationship with the child and concluded that he was a fit parent. The circuit court primarily based its award of primary physical custody to Mother on the fact that the Child had lived with Mother almost exclusively, and due to the geographic distance between the parties, joint physical custody would be too disruptive. Thus, even though the circuit court credited much of Mother's testimony regarding Father's temperament, we are unpersuaded that the circuit court's view of Father affected its ultimate determination of custody. *See Crane*, 382 Md. at 91. As such, the circuit court did not abuse its discretion in admitting this evidence.

3. *Testimony of Dr. Gombatz*

To assist the court in making its custody determination, Dr. Michael Gombatz, a court-appointed psychologist who evaluated both parties, offered his official report into evidence and testified during the trial. The circuit court, however, prohibited Dr. Gombatz from testifying directly about statements that Mother made to him during her evaluation, ruling that those statements constituted inadmissible hearsay. Father argues that these statements fit into the hearsay exception for statements by party-opponents and that, therefore, the circuit court should not have excluded them. We agree.

Under Maryland Rule 5-803, "A statement that is offered against a party and is … [t]he party's own statement" is not excluded by the hearsay rule. Md. Rule 5-803(a)(1). Thus, the circuit court erred in limiting Dr. Gombatz's testimony about Mother's—a

party—statements on the grounds that it was hearsay. Moreover, pursuant to Rule 5-703, even if the testimony did not satisfy an exception to the hearsay rule, if it concerned the type of information on which experts in Dr. Gombatz's field reasonably rely in forming their opinions, it could still have been admitted. Md. Rule 5-703(a). The circuit court therefore erred in ruling that Dr. Gombatz could not testify about statements Mother made to him during the evaluation.

We do not consider the circuit court's ruling to be reversible error, however, because Father suffered no prejudice from the circuit court's limitation on Dr. Gombatz's testimony. *See* Md. Rule 5-103(a) ("Error may not be predicated upon a ruling that admits or excludes evidence unless the party is prejudiced by the ruling."). *First*, the circuit court admitted Dr. Gombatz's full report into evidence, which contained a comprehensive summary of the statements Mother made during her evaluation. Thus, the circuit court's erroneous hearsay ruling did not preclude Dr. Gombatz's findings or the substance of Mother's statements to him from coming into evidence. *Second*, the purpose of Dr. Gombatz's testimony was to present whether either party suffered from a personality disorder or mental illness that would affect his or her fitness as a parent. The circuit court allowed Dr. Gombatz to testify to his finding that neither party had such a condition, and Father does not contest that conclusion. *Finally*, and most importantly, Dr. Gombatz concluded and testified that both parties were fit parents. The circuit court *also* found both parties fit, and accordingly awarded shared physical custody. Thus, we are not persuaded that the circuit court's erroneous limitation on Dr. Gombatz's testimony resulted in any prejudice to Father that would necessitate reversal because Dr. Gombatz was still able to

present his finding that both parties were fit. *See Crane*, 382 Md. at 91 ("Prejudice will be found if a showing is made that the error was likely to have affected the verdict below" otherwise "it is the policy of this Court not to reverse for harmless error.").

4. *Google Hangouts Print-out*

At the close of the evidence, Mother—for the first time—expressed concern over the authenticity of a 360 page print-out of the parties' online Google Hangouts[3] communications that Father had earlier offered into evidence. The circuit court allowed Mother to testify that she believed that Father had altered the conversation by omitting some chats and changing the language in others. Mother also explained her belief that the chats were easily alterable because she was able to modify them on her personal computer. Despite the fact that Mother did not object to Father's introduction of the Google Hangouts print-out at the time it was offered, the circuit court stated "I am not comfortable admitting the exhibit given what I have heard," and asked the clerk to "unadmit" it from evidence. Father objected, arguing that the print-out was critical to his case because it proved that the parties had a loving and intimate relationship prior to Mother leaving Maryland, and would contradict significant portions of Mother's testimony regarding Father's temperament. The circuit court, however, explained that it did not need to review the Google Hangouts print-out to determine the fitness of the parents given that it had observed the parties over seven

[3] "Google Hangouts" is a communication platform that allows individuals to have one-on-one or group chats through messaging, video calls, and voice calls using a phone or computer. *Google Hangouts*, GOOGLE, https://perma.cc/GL7L-EKZ9. The print-out at issue here contained only communications made between the parties through messaging.

days of trial and heard extensive testimony from both, and noted that Father could explain the nature of the parties' relationship during his closing argument.

Father argues that the circuit court's decision to "unadmit" the Google Hangouts print-out after Father properly submitted it into evidence "was an action without reference to guided principles or rules of law, and thus an abuse of discretion." We reiterate that trial courts are vested with a high degree of discretion in deciding whether to admit or exclude evidence, *Gasper v. Ruffin Hotel Corp. of Md., Inc.*, 183 Md. App. 211, 224 (2008), and often must weigh the relevance of evidence in relation to other factors. *Crane*, 382 Md. at 92. Here, although the circuit court previously admitted the Google Hangouts print-out, we are unaware of any rule that prohibits a court from excluding previously admitted evidence if it later finds that other factors outweigh its relevancy. Moreover, trial judges are, of course, permitted to reconsider their decisions. *See, e.g.*, *Simmons v. State*, 436 Md. 202, 224 (2013) ("Just as the trial judge has the discretion to make a ruling … he or she has the discretion to revisit that ruling and reverse or modify it."). Not only did the circuit court express concern over the authenticity of the Google Hangouts print-out, but it also explained that "there is enough evidence from seven days of testimony from the parties that … I do not need to read through the Google messages. I think I understand the parties' relationship.… I really do not think we left a stone unturned." The circuit court's decision to "unadmit" the Google Hangouts print-out was reasonable and carefully considered, and we cannot say that "no reasonable person would take the view adopted by the circuit court." *Michael Gerald D. v. Roseann B.*, 220 Md. App. 669, 686 (2014) (quoting *North v. North*, 102 Md. App. 1, 13-14 (1994)). And, even in the absence of the Google Hangouts print-

out, the circuit court found both parties fit. Thus, we are not persuaded that Father suffered any prejudice from the circuit court's decision to "unadmit" the print-out from evidence. *Crane*, 382 Md. at 91. The circuit court, therefore, did not abuse its discretion.

5. *Factual Findings about Father's Personality*

Finally, Father contends that the above-referenced evidentiary rulings culminated in several clearly erroneous findings of fact, most of which concern the circuit court's conclusions that Father is domineering, controlling, and hot-tempered. Although Father disputes the characterization that the circuit court drew of him, even if we were to exclude from consideration the challenged evidence, there remains competent evidence in the record supporting the circuit court's factual findings. *See, e.g.*, E. 991-92 (Mother testified that Father repeatedly called her, screaming and yelling, in days after Mother revealed her pregnancy); E. 1009-1010 (Mother testified that she hoped when she moved to Maryland with Father he would "stop being angry and stop storming off and blaming me for the way he was acting"), E. 1001-1002 (Mother testified that Father threatened never to visit her or be part of the Child's life unless Mother moved to Maryland); E. 1013-1014 (Mother testified that Father kicked her out on at least three occasions while the parties lived together); E. 1069 (Mother explained leaving the apartment during Father's angry outbursts, testifying that he "has no boundaries with me, he has no respect for me. And I didn't want to know how far he would take it by me staying there when he was physically … enraged. It's terrifying."). A finding will only be found clearly erroneous if it is inconsistent with the testimony in the record. *In re Yve S.*, 373 Md. 551, 599 (2013); *Michael Gerald D.*, 220 Md. App. at 687 (2014) (holding that when the circuit court finds

one party more credible than another "[i]t is not our role, as an appellate court, to second-guess those findings."). Due to the extensive support in the record for its findings, even if not uncontroverted, we see no clear error by the circuit court and we will defer to its findings for the remainder of this Opinion.

B. Custody Award

Father challenges the circuit court's award of sole legal and primary physical custody to Mother by arguing that the circuit court improperly relied on evidence that should have been excluded, and did not consider evidence that should have been admitted, which led it to erroneously find that Mother was more credible and deserving of custody. Father argues that, had the circuit court admitted the Google Hangouts print-out and sustained his objections throughout trial, it would have viewed him as a responsible and devoted parent, rather than as an authoritarian with anger issues. Thus, Father contends, the circuit court should have awarded custody to him.

There are three aspects to our review of a child custody dispute:

> First, when the appellate court scrutinizes factual findings, the clearly erroneous standard of Maryland Rule 8-131(a) applies. Second, if it appears that the hearing court erred as to matters of law, further proceedings in the trial court will ordinarily be required unless the error is determined to be harmless. Finally, when the appellate court views the ultimate conclusion of the hearing court founded upon sound legal principles and based upon factual findings that are not clearly erroneous, the hearing court's decision should be disturbed only if there has been a clear abuse of discretion.

Burak v. Burak, 455 Md. 564, 616-17 (2017) (cleaned up). Therefore, we will review *first*, the court's finding of facts; *second*, its legal determinations; and *finally*, its ultimate

conclusion. Findings of fact, including determinations regarding the credibility of witnesses, will not be considered clearly erroneous "[i]f there is any competent evidence to support the factual findings [of the trial court]." *Solomon v. Solomon*, 383 Md. 176, 202 (2004) (quoting *Fuge v. Fuge*, 146 Md. App. 142, 180 (2002)); *Grimm v. State*, 232 Md. App. 382, 405 (2017). It is well established in Maryland that the trial court, which has the opportunity to observe the parties and witnesses, hear testimony, and make credibility determinations, "is in a far better position than [the] appellate court, which has only a cold record before it, to weigh the evidence and determine what disposition will best promote the welfare of the minor." *Davis v. Davis*, 280 Md. 119, 125 (1977); *see also Innerbichler v. Innerbichler*, 132 Md. App. 207, 229 (2000). Thus, an abuse of discretion occurs only when the award of child custody is "well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable." *Michael Gerald D.*, 220 Md. App. at 686.

First, Father's argument requires us to scrutinize the factual findings made by the trial court. *See Burak*, 455 Md. at 616-17. Notwithstanding that we have rejected each of Father's challenges to the circuit court's evidentiary rulings, we must emphasize that "findings of fact and credibility are to be made by trial courts, *not appellate courts*." *Longshore v. State*, 399 Md. 486, 520-21 (2007) (emphasis added). Unlike the trial court, we do not have the opportunity to observe the parties throughout the trial, see the witnesses, or hear their testimony. *Davis*, 280 Md. at 125. Thus, we afford broad discretion to the trial court's credibility determinations. *Id.* As discussed above, the record contains an abundance of support for the trial court's findings, including that despite his calm

demeanor at trial, Father has anger issues, that Mother's emotional testimony revealed her sincere commitment to raising the Child, and that both parties are devoted to and love the Child. As such, we will not disturb the circuit court's factual findings.

Second, because we see no clear error in the circuit court's factual findings, we next address whether it erred as to any matters of law. *Burak*, 455 Md. at 616-17. We have reviewed each of Father's challenges to the circuit court's evidentiary rulings, and hold that if it erred, that each error was harmless. *Burak*, 455 Md. at 616.

Finally, having determined that the circuit court's ultimate conclusion was "founded upon sound legal principles and based upon factual findings that are not clearly erroneous," we review whether it abused its discretion in awarding custody. *Id.* at 616-617. In child custody actions, "the paramount concern is the best interest of the child." *Taylor v. Taylor*, 306 Md. 290, 303 (1986). Courts have discretion to consider a variety of factors when making decisions regarding physical custody including the fitness of the parents, the relationship between the child and each parent, and the potential disruption to the child's life that joint physical custody might create. *Id.* at 304-09. Here, the circuit court carefully weighed each of the relevant considerations, and found that some factors weighed in favor of Mother while others weighed in favor of Father, but ultimately concluded that both parties were fit. In presenting its order, the circuit court reasoned that because "the child is only 2 years old and except for months one through four of the child's life, has been almost exclusively with her mother … the [c]ourt thinks it is more appropriate for the child to be in the physical custody of her mother." The circuit court explained that "it would be too disruptive for a 2-year-old child who has, unfortunately, spent very little time with dad,

through no fault of her own, to suddenly be taken and uprooted and relocated to a place [where] … mother would rarely have an opportunity to see the child." The circuit court also noted that the parties lacked any ability to communicate with one another, making joint legal custody impractical. Thus, it awarded sole legal custody to Mother.

Given the trial court's thorough and thoughtful review of the relevant factors, coupled with the extensive evidence produced at trial to support its findings, we are persuaded that the circuit court properly considered the best interests of the Child in determining child custody. Thus, we hold that the circuit court's award of sole legal and primary physical custody to Mother was not an abuse of discretion. *See, e.g., Na v. Gillespie*, 234 Md. App. 742, 757-58 (2017) (circuit court did not abuse its discretion by awarding primary physical custody to mother when parties lived in different states and the child, age two, had lived with mother as primary caregiver for her entire life); *Santo v. Santo*, 448 Md. 620, 642-46 (2016) (holding that circuit court did not abuse its discretion in determining child custody because it reviewed the pertinent factors and gave a "thoughtful, painstaking consideration of the relevant issues affecting the … dispute"). We, therefore, affirm the circuit court's award of child custody.

II. ACCESS SCHEDULE

Father next challenges the child access schedule designed by the circuit court. The circuit court granted Father access to the child every other weekend during the school year and provided that in the summer, custody would alternate between Mother and Father every two weeks. Father contends that the circuit court abused its discretion by basing the schedule on the school year because the Child (who was two years old at the time of the

court's Order) is not yet enrolled in school. Father argues that this schedule is impermissible because it does not comport with the rule that child access schedules must be determined based on the best interests of the child in the present time rather than in the future. We disagree.

In arguing that the circuit court's child access schedule constitutes an impermissible "unknown future school schedule," Father relies heavily on *Schaefer v. Cusack*. 124 Md. App. 288 (1998). In *Schaefer*, the circuit court granted custody of the child, who was not yet school-aged, to his mother until he completed fifth grade, at which time custody would automatically switch to the Father until the child turned 18. *Id.* at 291-92. This Court held that it was "an abuse of discretion to attempt to look ahead and to determine now that it will be in the best interests of a child who has not yet entered kindergarten to have his custody *changed* upon completion of the fifth grade." *Id.* at 298 (emphasis added). Father argues that "[t]he trial court's ruling in [this case] is in no way different from that which was ruled an abuse of discretion in *Schaefer*."

We, however, conclude that the circuit court's access schedule here differs crucially from the custody arrangement in *Schaefer*: the circuit court did not order any future *change* in custody. In fact, the circuit court's schedule *avoids* a future change by establishing a schedule that will *not* require modification in two to three years when the Child enrolls in school. We do not consider the circuit court's access schedule "well removed from any center mark imagined" or "beyond the fringe of what the court deems minimally acceptable," and thus we see no abuse of discretion by the circuit court. *Michael Gerald D.*, 220 Md. App. at 686 (cleaned up).

III. CHILD SUPPORT

Finally, Father challenges the circuit court's apportionment of transportation expenses in its calculation of Father's child support obligation. The circuit court calculated Father's monthly child support amount as $2078 per month, based on an extrapolation from the statutory child support guidelines. Md. Code, Family Law ("FL") § 12-204(e). The circuit court found that Mother could not afford to pay for travel expenses to transport the Child to Maryland for Father's access periods, and accordingly ordered Father to pay Mother's airfare and hotel expenses. As a result, the circuit court awarded Father a downward deviation of $800, which it considered "an approximate amount to cover travel." Thus, the circuit court ordered Father to pay $1,278 per month in child support to Mother in addition to covering the cost of her travel as required by the child access schedule. Father argues that the circuit court abused its discretion by awarding him a downward deviation of $800 when instead, it should have factored his transportation expenses into the initial calculation of the child support obligation.

In Maryland, the circuit court must follow mandatory, statutory guidelines when calculating child support, unless the parties have a combined monthly income of over $15,000. FL § 12-202(a); FL § 12-204(d). When, as here, the parties enjoy a combined monthly income of over $15,000, the circuit court has discretion to set the amount of child support outside the guidelines. FL § 12-204(d). In determining this discretionary amount, the circuit court may extrapolate the obligation from the guidelines, or may adjust the award to reflect the reasonable needs of the child. *Bagley v. Bagley*, 98 Md. App. 18, 37-38 (1993); *Jackson v. Proctor*, 145 Md. App. 76, 91 (2002). The circuit court may also

"divid[e] between the parents in proportion to their adjusted actual incomes … any expenses for transportation of the child between the homes of the parents." FL § 12-204(i). The goal of the circuit court in calculating a child support award should be to serve the best interests of the child. *Horsley v. Radisi*, 132 Md. App. 1, 27 (2000). Our review in these "above the guidelines" cases focuses on whether the circuit court abused its discretion in setting the amount of child support. *Jackson*, 145 Md. App. at 90-91.

We hold that the circuit court did not abuse its discretion in calculating Father's child support obligation because the award serves the best interests of the Child. The circuit court found that Mother would be unable to afford transportation expenses for the Child. It also found that it was in the best interest of the Child for Father to have shared physical custody. Because strict adherence to the guidelines was not mandated given that the parties' combined monthly income exceeded $15,000, the circuit court had discretion to set an amount that would enable Father's access to the Child without imposing an unreasonable financial burden on Mother. FL § 12-204(d). The circuit court acted well within its discretion by first extrapolating Father's obligation from the guidelines, and adjusting the amount to account for a portion of the transportation expenses that it ordered Father to pay. *Horsley*, 132 Md. App. at 26 (the "plain and unambiguous language of the statute authorizes the court to supplement the Guidelines obligation … [for] transportation expenses."). Thus, we see no abuse of discretion in the circuit court's calculation of Father's child support obligation, and we affirm.[4]

[4] We also note that if the circuit court had declined to give Father the downward deviation and instead ordered him to pay transportation costs plus the full $2078 per month

JUDGMENT OF THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.

in child support to Mother, we would have approved that exercise of the circuit court's discretion in this "above the guidelines" case.